



DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

November 25, 2009

CLEAN WATER ACT, SECTION 404
RIVERS AND HARBORS ACT, SECTION 10
PUBLIC NOTICE

Individual Environmental Report #9
Lake Pontchartrain and Vicinity, Replacement of Caernarvon Floodwall,
St. Bernard and Plaquemines Parishes, Louisiana
IER #9

INTRODUCTION: This Public Notice is issued in accordance with provisions of Title 33 CFR Parts 336.1(b)(1) and 337.1, which establish policy, practices, and procedures to be followed on Federal actions involving the disposal of dredged or fill material into waters of the United States (U.S.).

PROJECT AUTHORITY: The Lake Pontchartrain and Vicinity (LPV) project was authorized under the Flood Control Act of 1965 (Public Law [PL] 89-298, Title II, Sec. 204), which amended, authorized a "project for hurricane protection on Lake Pontchartrain, Louisiana ... substantially in accordance with the recommendations of the Chief of Engineers in House Document 231, Eighty-ninth Congress." The original statutory authorization for the LPV project was amended by the Water Resources Development Act of 1974 (PL 93-251, Title I, Sec. 92), 1986 (PL 99-662, Title VIII, Sec. 805), 1990 (PL 101-640, Sec. 116), 1992 (PL 102-580, Sec. 102), 1996 (PL 104-303, Sec. 325), 1999 (PL 106-53, Sec. 324), and 2000 (PL 106-541, Sec. 432); and the Energy and Water Development Appropriations Acts of 1992 (PL 102-104, Title I, Construction, General), 1993 (PL 102-377, Title I, Construction, General), and 1994 (PL 103-126, Title I, Construction, General).

The Department of Defense Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act of 2006 (3rd Supplemental – PL 109-148, Chapter 3, Construction, Flood Control and Coastal Emergencies) authorized accelerated completion of the project and restoration of project features to design elevations at 100 percent Federal cost. The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery of 2006 (4th Supplemental – PL 109-234, Title II, Chapter 3, Construction, and Flood Control and Coastal Emergencies) authorized construction of a 100-year level of protection. Additional Supplemental Appropriations include the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 H.R. 2206 (pg. 41-44), Title IV, Chapter 3, Flood Control and Coastal Emergencies (5th Supplemental), General Provisions, Sec. 4302.

LOCATION: The proposed action is located near the border of St. Bernard Parish and Plaquemines Parish, in the vicinity of the Caernarvon Freshwater Diversion Canal (figure 1). The proposed project initiates at the southwestern corner [terminus] of the Lake Pontchartrain and Vicinity (LPV) Hurricane and Storm Damage Risk Reduction System (HSDRRS) Chalmette Loop Levee, adjacent to the Mississippi River and crosses a railroad and Louisiana (LA) Highway 39. The northing and easting for the flood control structure in the Caernarvon Canal

are 6353221.30 and 404341.68, respectively. These coordinates are provided in North American Datum 1983, Universal Transverse Mercator Zone 15 North, meters.

PROJECT DESCRIPTION: The proposed action consists of constructing a new floodwall alignment mainly to the west of the Caernarvon Canal to replace the existing Caernarvon Floodwall (LPV 149) complex on the east side of the canal. As shown in figure 1, the new alignment would include, beginning at its northern end, the following components: a tie-in to the Mississippi River levee system; new floodgates across LA Highway 39 and the Norfolk Southern railroad; a floodwall (T-wall) to an elevation of approximately +26 feet (ft) North American Vertical Datum of 1988 (NAVD88) along the east bank of the Caernarvon Freshwater Diversion Canal (CFDC) (to the west of the Shallow Draft Elevating Boats, Incorporated [SDEB] property and the Delacroix Corporation's Caernarvon Boat Launch), turning southeast and then east to the Caernarvon Canal; a 56-ft wide navigable structure to an elevation of approximately +26 ft (NAVD88) across the Caernarvon Canal south of the Elevating Boats, LLC (EBI) sea plane hangar; a continuation of the floodwall from the Caernarvon Canal east to the existing LPV Chalmette Loop levee (LPV 148); and a tie-in to the levee system. The existing floodgates across LA Highway 39 and the railroad would be demolished. The existing levee and floodwalls would be left in place in order to provide a buffer between the EBI facility and the adjacent residences. The proposed action was evaluated based on a 300-ft wide corridor (including both the temporary construction easement and permanent easement).

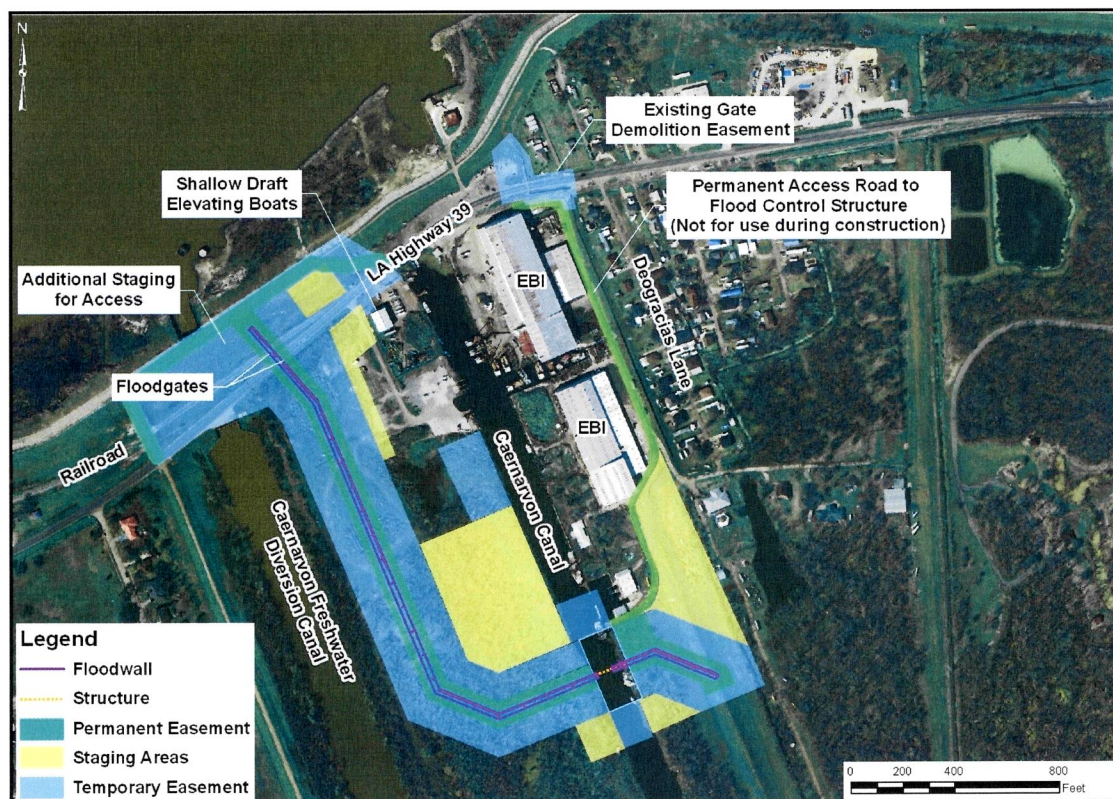


Figure 1. Proposed Action - Realignment of Caernarvon Floodwall to West of SDEB Property (with Proposed Staging Areas, Permanent Easement, and Temporary Construction Easement)

Due to the alignment of the proposed action, a gravity drain system would be required to drain storm water from the protected side of the proposed action, into an existing ditch east of the existing line of HSDRRS southeast of EBI, in St. Bernard Parish. The water would then flow into the Jourda Canal to the south and down to St. Mary's pump station. LA Highway 39 is a vital link between Plaquemines Parish and St. Bernard Parish; it provides the only highway access from the Plaquemines Parish east bank to areas to the north. In order to keep this highway link available, a one-lane emergency access route would be established that bypasses the floodgate across LA Highway 39. The emergency access route would follow existing ramps up to the MRL and would run along the levee. Also, a permanent access road would be constructed between LA Highway 39 and the proposed flood control structure on the Caernarvon Canal.

Figure 1 indicates the location of the proposed permanent right-of-way (ROW), and staging areas/ temporary construction areas that would be required to complete the proposed action for LPV 149. The permanent ROW would be approximately 10 acres (including the permanent access road to the flood control structure and the emergency access route bypassing LA Highway 39). Staging areas for LPV 149 would be approximately 10 acres and the temporary construction area would be approximately 20 acres. Construction activities would be expected to last for approximately 21 months. During construction, a cofferdam would be installed across the Caernarvon Canal in the area of the proposed flood control structure. The cofferdam would temporarily close this portion of the canal to navigation and recreational vessels for approximately 12 months to 18 months, depending on design and construction techniques.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE: The impacts of the proposed action and alternatives to the proposed action will be analyzed and disclosed in Individual Environmental Report (IER) # 9.

STATE WATER QUALITY CERTIFICATION: A Water Quality Certification for the proposed action was received from LDEQ on 21 September 2009. Public notice regarding this certification was placed in the Baton Rouge Advocate and Times-Picayune on 20 July 09 and 18 August 09.

SECTION 404(b)(1) GUIDELINES: The placement of earthen fill material into the waters of the U.S. would be made through the application of guidelines promulgated by the Administrator, Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone prohibit the placement of earthen fill material, any potential impairment on the restoration and completion of the Lake Pontchartrain and Vicinity Hurricane Protection System which would result from failure to place this material will also be considered.

COASTAL ZONE CONSISTENCY DETERMINATION: A Coastal Zone Consistency Determination was prepared in May 2009 and coordinated with Louisiana Department of Natural Resources. Based on this coordination it was determined that the project was consistent to the maximum extent practicable on 2 July 2009.

ENDANGERED SPECIES: The U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) reviewed descriptions of the proposed action provided by CEMVN to determine if it would affect any threatened or endangered species under their jurisdiction or designated critical habitat. The USFWS concurred with the CEMVN in a letter dated 30 January

2009, that the proposed action would be not likely to adversely affect threatened or endangered species under their jurisdiction. The CEMVN determined, as documented in IER # 9, that the proposed action would have no effect on the threatened or endangered species under NMFS jurisdiction that potentially could occur in the region, the Gulf sturgeon. Consequently, written concurrence from NMFS was not required.

ESSENTIAL FISH HABITAT: During construction of the proposed structure, up to 1.5 acres of aquatic habitat in the Caernarvon Canal within and adjacent to the flood control structure could be directly impacted by construction-related activities, such as installation of a cofferdam. The cofferdam would be in place across the canal for approximately 12 months to 18 months. This would block hydrological exchange and access of EFH species to the north end of the canal (a reach of 1,800 linear ft), resulting in the temporary loss of approximately 5 acres of EFH within the canal. After the construction period, a much smaller area (approximately 0.3 acre) of the canal bottom would be permanently occupied by the control structure. During the long-term period of operation of the flood control structure, EFH would not be directly adversely affected by the infrequent, relatively short-term closures of the gate that would occur to prevent flooding associated with major storm events.

CULTURAL RESOURCES: In letters to the State Historic Preservation Officer (SHPO) and Indian Tribes dated 15 October 2007, the CEMVN provided project documentation, evaluated cultural resources potential in the project area, and found that the proposed action would have no impact on cultural resources. The SHPO concurred with our "no historic properties affected" finding in a letter dated 7 December 2007. The Mississippi Band of Choctaw Indians concurred with the effect determination in an email dated 29 November 2007. No other Indian Tribes responded to the request for comments. Section 106 consultation for the proposed project action has been concluded. However, if any unrecorded cultural resources are determined to exist within the proposed project action boundaries, then no work will proceed in the area containing these cultural resources until a CEMVN archaeologist has been notified and final coordination with the SHPO and Indian Tribes has been completed.

DISCHARGES BY OTHERS: No discharges are anticipated by others.

Coordination. The following is a partial list of agencies to which a copy of this notice is being sent:

- U.S. Environmental Protection Agency, Region VI
- U.S. Department of Commerce, NOAA National Marine Fisheries Service
- U.S. Department of the Interior, U.S. Fish and Wildlife Service
- U.S. Coast Guard, Eighth District
- Louisiana Department of Environmental Quality
- Louisiana Department of Natural Resources
- Louisiana Department of Wildlife and Fisheries
- Louisiana Department of Transportation and Development
- Louisiana State Historic Preservation Officer

This notice is being distributed to these and other appropriate Congressional, Federal, state, and local interests, environmental organizations, and other interested parties.

Evaluation Factors. Evaluation includes application of the Section 404(b)(1) guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency, through 40 CFR 230.

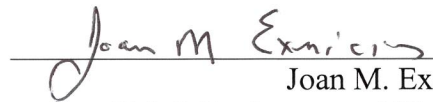
Public Involvement. Extensive public involvement has been sought on the proposed action. The LPV project analyzed in IER #9 was publicly disclosed and described in the Federal Register on March 13, 2007 and on the website, www.nolaenvironmental.gov. Scoping for IER #9 was initiated on March 13, 2007 through advertisements and public notices placed in *USA Today* and *The New Orleans Times Picayune*. Nine public scoping meetings were held throughout the New Orleans metropolitan area between March 27 and April 12, 2007. To date 7 public meetings have been held in the metropolitan area to keep stakeholders advised of this project's status.

Interested parties may express their views on the disposal of material associated with the proposed work or suggest modifications in writing to Laura Lee Wilkinson, CEMVN-HPO, P.O. Box 60267, New Orleans, Louisiana 70160-0267. All comments postmarked on or before the expiration of the comment period for this notice will be considered.

Any person who has an interest that may be affected by deposition of excavated or dredged material may request a public hearing. The request must be submitted in writing to the District Engineer within the comment period of this notice and must clearly set forth the interest that may be affected and the manner in which the interest may be affected by the proposed action.

You are requested to communicate the information contained in this notice to any parties who may have an interest in the proposed action.

For further information regarding the proposed action, please contact Ms. Laura Lee Wilkinson at (504) 862-1212. Mr. Wilkinson's FAX number is (504) 862-1525 and her E-mail address is Laura.L.Wilkinson@usace.army.mil.


Joan M. Exnicios
Chief, Environmental Planning
and Compliance Branch

COMMENT PERIOD FOR THIS PUBLIC NOTICE EXPIRES: 24 December 2009